

Calendar No. 249

105TH CONGRESS
1ST Session
S. 1258

A BILL

To amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an alien who is not lawfully present in the United States from receiving assistance under that Act.

NOVEMBER 4, 1997
Reported with an amendment

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To amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an alien who is not lawfully present in the United States from receiving assistance under that Act.

IN THE SENATE OF THE UNITED STATES

OCTOBER 6, 1997

Mr. BENNETT introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

NOVEMBER 4, 1997

Reported by Mr. CHAFEE, with an amendment

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an alien who is not lawfully present in the United States from receiving assistance under that Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. DISPLACED PERSONS NOT ELIGIBLE FOR AS-**
 2 **SISTANCE.**

3 (a) IN GENERAL.—Title I of the Uniform Relocation
 4 Assistance and Real Property Acquisition Policies Act of
 5 1970 (42 U.S.C. 4601 et seq.) is amended by adding at
 6 the end the following:

7 **“SEC. 104. DISPLACED PERSONS NOT ELIGIBLE FOR AS-**
 8 **SISTANCE.**

9 “(a) IN GENERAL.—Except as provided in subsection
 10 (c), a displaced person shall not be eligible to receive relo-
 11 cation payments or any other assistance under this Act
 12 if the displaced person is an alien not lawfully present in
 13 the United States.

14 “(b) DETERMINATIONS OF ELIGIBILITY.—

15 “(1) PROMULGATION OF REGULATIONS.—Not
 16 later than ~~180 days~~ *1 year* after the date of enact-
 17 ment of this section, after providing notice and an
 18 opportunity for public comment, the head of the lead
 19 agency shall promulgate regulations to carry out
 20 subsection (a).

21 “(2) CONTENTS OF REGULATIONS.—Regula-
 22 tions promulgated under paragraph (1) shall—

23 “(A) prescribe the processes, procedures,
 24 and information that a displacing agency must
 25 use in determining whether a displaced person

1 is an alien not lawfully present in the United
2 States;

3 “(B) prohibit a displacing agency from dis-
4 criminating, under this Act, against any dis-
5 placed person on the basis of race, color, or na-
6 tional origin;

7 “(C) ensure that each eligibility determina-
8 tion is fair and based on reliable information;
9 and

10 “(D) prescribe standards for a displacing
11 agency to apply in making determinations relat-
12 ing to exceptional and extremely unusual hard-
13 ship under subsection (c).

14 “(c) EXCEPTIONAL AND EXTREMELY UNUSUAL
15 HARDSHIP.—If a displacing agency determines by clear
16 and convincing evidence that a determination of the ineli-
17 gibility of a displaced person under subsection (a) would
18 result in exceptional and extremely unusual hardship to
19 an individual who is the displaced person’s spouse, parent,
20 or child and who is a citizen of the United States or an
21 alien lawfully admitted for permanent residence in the
22 United States, the displacing agency shall provide reloca-
23 tion payments and other assistance to the displaced person
24 under this Act if the displaced person would be eligible
25 for the assistance but for subsection (a).

1 “(d) LIMITATION ON STATUTORY CONSTRUCTION.—
 2 Nothing in this section affects any right available to a dis-
 3 placed person under any other provision of Federal or
 4 State law.”.

5 **SEC. 2. DUTIES OF LEAD AGENCY.**

6 Section 213(a) of the Uniform Relocation Assistance
 7 and Real Property Acquisition Policies Act of 1970 (42
 8 U.S.C. 4633(a)) is amended—

9 (1) by redesignating paragraphs (2), (3), and
 10 (4) as paragraphs (4), (5), and (6), respectively; and
 11 (2) by inserting after paragraph (1) the follow-
 12 ing:

13 “(2) provide, in consultation with the Attorney
 14 General (acting through the Commissioner of the
 15 Immigration and Naturalization Service), through
 16 training and technical assistance activities for dis-
 17 placing agencies, information developed with the At-
 18 torney General (acting through the Commissioner)
 19 on proper implementation of section 104;

20 “(3) ensure that displacing agencies implement
 21 section 104 fairly and without discrimination in ac-
 22 cordance with section 104(b)(2)(B);”.